



**TOWN of BROOKLINE**  
*Massachusetts*

**BUILDING DEPARTMENT**

Daniel Bennett  
Building Commissioner

TO: Selectboard/ School Committee

FROM: Ray Masak, PE Project Manager

SUBJECT: High School Expansion Project – MBTA Real Estate Force Account  
Additional Funding

DATE: October 9, 2019

On the Calendar this week, the Building Department has submitted a request to provide additional funding for the Real Estate force account related to legal work associated with the MBTA easement and other related documents. As part of the force account agreement, the Town is required to keep a funding minimum of \$25,000 with the MBTA as well as pay for actual expenses.

The Building Department will be available on Tuesday evening to answer any questions you may have. Thank you for your consideration.



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO  
Steve Pofatak, General Manager



**By Certified Mail # \_\_\_\_\_**  
Copies sent by Email

September 10, 2019

Ray Masak, Project Manager  
Brookline Town Hall  
333 Washington Street  
Brookline, MA 02455

Douglas M. McGarrah  
Foley Hoag LLP  
Seaport West  
1555 Seaport Boulevard  
Boston, MA 02210

RE: Funding/Replenishment Request – Town of Brookline Force Account Agreement

To Whom It May Concern:

Reference is made to that certain MBTA Real Estate Department Expense Reimbursement Agreement by and between the MBTA and the Town of Brookline dated July 17, 2018.

Pursuant to this agreement, the MBTA hereby requests the Town of Brookline to fund/replenish the MBTA force account to the original required level of funding (\$25,000). Upon receipt of this request, please forward a check in the amount of **\$122,826.10**, made payable to “Massachusetts Bay Transportation Authority”, to Andrew Knowlton, Greystone, 20 Park Plaza, Suite 1120, Boston, MA 02116. A summary of the MBTA’s expenses in connection with this request is enclosed for reference.

Should you have any questions, please contact Andrew Knowlton at 617.316.1669 or [Andrew.Knowlton@greyco.com](mailto:Andrew.Knowlton@greyco.com).

Sincerely,

David Lepore  
Deputy Chief Real Estate Officer, MBTA

cc: Michael DiPietro – Town of Brookline, Comptroller

## Town of Brookline

DATE	DESCRIPTION	AMOUNT	STATUS
10/31/2018	Sherin & Lodgen Invoice #00849102.1	\$ (22,572.00)	
11/30/2018	Sherin & Lodgen Invoice #00849102.2	\$ (2,173.50)	Paid 3/13/19
12/31/2018	Sherin & Lodgen Invoice #00849102.3	\$ (1,426.50)	
4/1/2019	Check #1373564 from Town of Brookline	\$ 50,000.00	Deposited 4/3/19
1/1/2019 - 2/28/2019	Sherin & Lodgen Invoice #00873461.1	\$ (16,250.40)	Paid 4/10/19
3/31/2019	Sherin & Lodgen Invoice #00873461.2	\$ (511.40)	
5/16/2019	Sherin & Lodgen Invoice #245868	\$ (13,608.20)	Paid 9/17/19
6/7/2019	Sherin & Lodgen Invoice #246073	\$ (17,261.80)	
6/1/2019 - 7/31/2019	Sherin & Lodgen Invoice #00873461.5	\$ (31,319.00)	Paid 8/19/19
9/4/2019	Town of Brookline Staff Consulting Hours Invoice	\$ (42,703.30)	Being Requested
9/4/2019	Force Account Requirement Per Agreement	\$ (25,000.00)	Being Requested
<b>Total:</b>		<b>\$</b>	<b>(122,826.10)</b>

MBTA  
LAW FIRM INVOICE COVER SHEET

<b>LAW FIRM NAME:</b>	<b>Sherin and Lodgen LLP</b>	
<b>RESPONSIBLE LAW FIRM ATTORNEY:</b>	<b>Peter Friedenberg</b>	
<b>MATTER NAME:</b>	<b>Brookline Hills</b>	
<b>TOTAL ESTIMATED BUDGET FOR ENTIRE TASK ORDER</b>	<b>\$75,000</b>	
<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>	
<b>INVOICE PERIOD:</b>	<b>October 1 – October 31, 2018</b>	
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$22,572.00</b>	
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$22,572.00</b>	
<b>ATTORNEYS/PARALEGALS INCLUDED IN THIS INVOICE</b>	<u>Name</u> Peter Friedenberg Andrew Royce	<u>Billing Rate</u> \$460 \$425
<b>SERVICES RENDERED BY EACH ATTORNEY/PARALEGAL AND ASSOCIATED FEES BILLED; BILLABLE DISBURSEMENTS:</b>	<b>SEE ITEMIZATION ON ATTACHED BILL</b>	

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<b>TOTAL ESTIMATED BUDGET FOR ENTIRE TASK ORDER</b>	<b>\$75,000</b>	
<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>	
<b>INVOICE PERIOD:</b>	<b>November 1 – November 30, 2018</b>	
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$2,173.50</b>	
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$24,745.50</b>	
<b>ATTORNEYS/PARALEGALS INCLUDED IN THIS INVOICE</b>	<b><u>Name</u></b>	<b><u>Billing Rate</u></b>
	Peter Friedenberg	\$460
	Andrew Royce	\$425
<b>SERVICES RENDERED BY EACH ATTORNEY/PARALEGAL AND ASSOCIATED FEES BILLED; BILLABLE DISBURSEMENTS:</b>	<b>SEE ITEMIZATION ON ATTACHED BILL</b>	

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<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>	
<b>INVOICE PERIOD:</b>	<b>December 1 – December 31, 2018</b>	
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$1,426.50</b>	
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$26,172.00</b>	← cumulative
<b>ATTORNEYS/PARALEGALS INCLUDED IN THIS INVOICE</b>	<u>Name</u> <b>Peter Friedenberg</b> <b>Andrew Royce</b>	<u>Billing Rate</u> <b>\$460</b> <b>\$425</b>
<b>SERVICES RENDERED BY EACH ATTORNEY/PARALEGAL AND ASSOCIATED FEES BILLED; BILLABLE DISBURSEMENTS:</b>	<b>SEE ITEMIZATION ON ATTACHED BILL</b>	

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<b>MATTER NAME:</b>	<b>Brookline Hills</b>						
<b>TOTAL ESTIMATED BUDGET FOR ENTIRE TASK ORDER</b>	<b>\$75,000</b>						
<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>						
<b>INVOICE PERIOD:</b>	<b>January 1 - February 28, 2019</b>						
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$16,250.40</b>						
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$42,422.40</b>						
<b>ATTORNEYS/PARALEGALS INCLUDED IN THIS INVOICE</b>	<table border="0"> <thead> <tr> <th><u>Name</u></th> <th><u>Billing Rate</u></th> </tr> </thead> <tbody> <tr> <td>Peter Friedenber</td> <td>\$460</td> </tr> <tr> <td>Andrew Royce</td> <td>\$425</td> </tr> </tbody> </table>	<u>Name</u>	<u>Billing Rate</u>	Peter Friedenber	\$460	Andrew Royce	\$425
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<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>						
<b>INVOICE PERIOD:</b>	<b>March 1 – March 31, 2019</b>						
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$511.40</b>						
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$41,911.00</b>						
<b>ATTORNEYS/PARALEGALS INCLUDED IN THIS INVOICE</b>	<table> <thead> <tr> <th><u>Name</u></th> <th><u>Billing Rate</u></th> </tr> </thead> <tbody> <tr> <td>Peter Friedenber</td> <td>\$478</td> </tr> <tr> <td>Andrew Royce</td> <td>\$442</td> </tr> </tbody> </table>	<u>Name</u>	<u>Billing Rate</u>	Peter Friedenber	\$478	Andrew Royce	\$442
<u>Name</u>	<u>Billing Rate</u>						
Peter Friedenber	\$478						
Andrew Royce	\$442						
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<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>	
<b>INVOICE PERIOD:</b>	<b>April 1 – April 30, 2019</b>	
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$13,608.20</b>	
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$29,325.60</b>	
<b>ATTORNEYS/PARALEGALS INCLUDED IN THIS INVOICE</b>	<b><u>Name</u></b>	<b><u>Billing Rate</u></b>
	<b>Peter Friedenberg</b>	<b>\$478</b>
	<b>Andrew Royce</b>	<b>\$442</b>
<b>SERVICES RENDERED BY EACH ATTORNEY/PARALEGAL AND ASSOCIATED FEES BILLED; BILLABLE DISBURSEMENTS:</b>	<b>SEE ITEMIZATION ON ATTACHED BILL</b>	

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<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>						
<b>INVOICE PERIOD:</b>	<b>May 1 – May 31, 2019</b>						
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$17,261.80</b>						
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$46,587.40</b>						
<b>ATTORNEYS/PARALEGALS INCLUDED IN THIS INVOICE</b>	<table> <thead> <tr> <th><u>Name</u></th> <th><u>Billing Rate</u></th> </tr> </thead> <tbody> <tr> <td>Peter Friedenberg</td> <td>\$478</td> </tr> <tr> <td>Andrew Royce</td> <td>\$442</td> </tr> </tbody> </table>	<u>Name</u>	<u>Billing Rate</u>	Peter Friedenberg	\$478	Andrew Royce	\$442
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<b>TOTAL ESTIMATED BUDGET FOR CURRENT FISCAL YEAR:</b>	<b>\$75,000</b>						
<b>INVOICE PERIOD:</b>	<b>June 1 – July 31, 2019</b>						
<b>INVOICE AMOUNT (INCLUDING DISBURSEMENTS):</b>	<b>\$31,319.00</b>						
<b>TOTAL AMOUNT BILLED ON TASK ORDER (INCLUDING THIS INVOICE):</b>	<b>\$74,252.80</b>						
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## Consulting Invoice

**INVOICE # 0199**

**Invoice Date: 9/4/2019**

Massachusetts Bay Transportation Authority  
Ten Park Plaza  
Boston, MA 02116

<b>PROJECT NAME:</b>	Town of Brookline
<b>MUNICIPALITY:</b>	Brookline, MA
<b>PROJECT #:</b>	MBTA-16043
<b>UNIT REFERENCE#:</b>	N/A
<b>TYPE OF AGREEMENT:</b>	Disposition
<b>TERM OF AGREEMENT:</b>	
<b>MBTA VALUE RECEIVED:</b>	N/A
<b>CONSULTING FEE DUE:</b>	\$42,703.30
<b>MBTA MRI #</b>	N/A
<b>INVOICE TOTAL:</b>	<b>\$ 42,703.30</b>

